

1 JAN I. GOLDSMITH, City Attorney
2 DONALD R. WORLEY, Assistant City Attorney
3 BRIAN D. MURPHY, Deputy City Attorney
4 California State Bar No. 233582
5 Office of the City Attorney
1200 Third Avenue, Suite 1100
San Diego, California 92101-4100
Telephone: (619) 533-5800
Facsimile: (619) 533-5856

Exempt from fees per Gov't Code § 6103
To the benefit of the City of San Diego

6 Attorneys for Defendant

7

8 UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT

9 **'11CV2594 WQHNLs**

10 THOMAS NGUYEN,) Case No. 37-2011-00098219-CU-PO-CTL
11 Plaintiff,)
12 v.)
13 SAN DIEGO POLICE DEPT., OFFICERS)
14 MCFALLS (#4473), LOPEZ, (#6654),)
15 VALDEZ (#6562), MICHAEL MORAN)
16 (#5700))
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

) NOTICE OF REMOVAL OF CASE TO
U.S. DISTRICT COURT, SOUTHERN
DISTRICT

) Complaint filed: July 29, 2010

16
17 TO: PLAINTIFFS AND THEIR ATTORNEY OF RECORD:
18 PLEASE TAKE NOTICE that Defendants San Diego Police Department, Sgt. Serena
19 McFalls, Officer Eduardo Lopez, Officer David Valdez and Officer Michael P. Moran in the
20 above-entitled action, has removed the action to the United States District Court for the Southern
21 District of California.

22 **STATEMENT OF GROUNDS FOR REMOVAL**

23 Plaintiff alleges that Defendants deprived him of his right to free speech when San Diego
24 Police arrested him protesting at a parade on December 30, 2010. Brian D. Murphy, counsel for
25 five of the defendants spoke with Robert Quayle, counsel Katherine Albans, to determine
26 whether his client intends to join this removal petition. He agreed and he will file a joinder to
27 this petition.

1 The First Cause of Action in the Complaint alleges that the actions the Officers deprived
2 Plaintiff of his federal constitutional rights and that his action is brought under the First
3 Amendment.

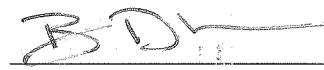
4 This Court has original jurisdiction of the action pursuant to the provisions of 28 U.S.C.
5 section 1331, and the action may therefore be removed to this Court by Defendants pursuant to
6 the provisions of 28 U.S.C. sections 1441(b) and (c) in that it arises under a constitutional
7 provision/federal question jurisdiction.

8 Copies of all process and pleadings served on Plaintiff in the above-entitled action are
9 attached hereto. This Notice of Removal is filed with this Court within thirty (30) days after
10 Defendants were served with the Complaint on October 11, 2011.

11
12 Dated: November 7, 2011

JAN I. GOLDSMITH, City Attorney

13
14 By


15 Brian D. Murphy
Deputy City Attorney

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28

THOMAS NUGYEN, V. SAN DIEGO POLICE DEPT., OFFICER MCFALLS & LOPEZ

INDEX

DOCUMENTS SERVED ON CITY OF SAN DIEGO

EXHIBIT NO.	DESCRIPTION
1.	Summons & Complaint

EXHIBIT 1

2011-08074

SUM-100

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT: **SAN DIEGO POLICE DEPT.**
(AVISO AL DEMANDADO):

Officers McFall (#4473), Lopez (#6654)
Valdez (#6562), Moran (#5700) and Alvaris (#0498)

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

THOMAS NGUYEN

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

F I L E D
Clerk of the Superior Court

SEP 22 2011

BY: R. Townsend DEPUTY CLERK
OCT 11 2011

RECEIVED

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wage, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALÉNDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

*Hall of Justice
330 W. Broadway, San Diego, CA 92101*

CASE NUMBER:
(Número del Caso):

37-2011-00098219-CU-PO-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Thomas Nguyen 7807 Jade Court Rd, San Diego, CA 92126

DATE:
(Fecha)

SEP 22 2011

Clerk, by
(Secretario)

R. Townsend

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):

3. on behalf of (specify):

under: CCP 416.10 (corporation)
 CCP 416.20 (defunct corporation)
 CCP 416.40 (association or partnership)
 other (specify):

CCP 416.60 (minor)
 CCP 416.70 (conservatee)
 CCP 416.90 (authorized person)

4. by personal delivery on (date):

12th BUSINESS OFFICE 12
GENERAL DIVISION

201 SEP 22 P 3:01

1. THOMAS NGUYEN
2. 7807 Jade Coast Road
3. San Diego, CA 92126
4. (858) 408-5206

5. SUPERIOR COURT
6. SAN DIEGO COUNTY, CA

7.
8. SUPERIOR COURT OF THE STATE OF CALIFORNIA
9. FOR THE COUNTY OF SAN DIEGO

10.
11. THOMAS NGUYEN, an individual,
12. Plaintiff,

37-2011-00098219-CU-PO-CTL
CASE NO.

13.
14. v.
15.
16. SAN DIEGO POLICE DEPARTMENT;
17. Sgt. Serena Mc. Falls (#4473);
18. Officers Lopez (#6654); Valdez (#6562);
19. Officer Michael Moran (#5700);
20. Officer K. Albans (clinician #0498);
21. Defendants,

COMPLAINT FOR:
1. CIVIL RIGHTS
2. DEFAMATION
3. FRAUD

22.
23.
24.
25.
26. 1. CIVIL RIGHTS: San Diego Police arrested me at San Diego Big Balloon Parade on
27. Thursday December 30, 2010 while I was protesting against CIA under the live reporter
28. TV station booth. Officer Lopez and Valdez squeezed my arms in my back and dragged
29. me out of the TV booth. I was handcuffed, stuffed in a patrol car, questioned, evaluated,
30. and then handed over to a mental-health BHC of Scripps Mercy hospital.
31. This act violated badly FIRST AMENDMENT (Freedom of Speech).

32.
33. 2. DEFAMATION: Officer Michael Moran and K. Albans lied to medical staffs of Scripps
34. Mercy that I was a mental ill, "had malnourished appearance", and I yelled at women
35. and children at the parade. So they put me in mental-health jail under Section 5150.
36. This damaged my reputation so much. I had two master degrees in Computer Science
37. and Physics. I might not get any jobs in future because I had been slandered as a mental
38. ill person in Police record. This can cost me a fortune.

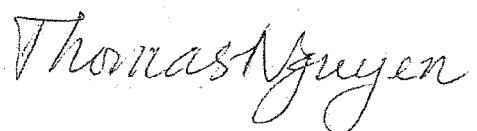
39.
40. 3. FRAUD: San Diego Police arrested me under Section 5150 is a fraud: false arrest.
41. To thousands of people at the parade and at the hospital, I was a bad guy who had been

42. arrested by police.
43.
44. In short, not only I had been suffered during police arrest and two days in mental jail,
45. But I also had been suffered loss of my reputation and loss of earning capacity for the
46. rest of my life.

Date: September 22, 2011

Name: THOMAS NGUYEN

Signature of Plaintiff:

A handwritten signature in black ink that reads "Thomas Nguyen". The signature is cursive and fluid, with "Thomas" on the top line and "Nguyen" on the bottom line.

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Thomas Nguyen 7807 Jade Coast Rd, San Diego, CA 92126 TELEPHONE NO. 858-408-5206 FAX NO.: ATTORNEY FOR (Name): Thomas Nguyen		ATTORNEY FOR (Name): GENERAL DIVISION SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827 NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081-6643 EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941 RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200 SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649
CASE NAME: Thomas Nguyen v. San Diego Police Dept.		2011 SEP 22 P 3:06 SUPERIOR COURT SAN DIEGO COUNTY, CA
CIVIL CASE COVER SHEET		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		CASE NUMBER: 37-2011-00098219-CU-PO-CTL
		JUDGE: DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort	Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Auto (22)	<input type="checkbox"/> Breach of contract/warranty (06)	<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Uninsured motorist (46)	<input type="checkbox"/> Rule 3.740 collections (09)	<input type="checkbox"/> Construction defect (10)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	<input type="checkbox"/> Other collections (09)	<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Asbestos (04)	<input type="checkbox"/> Insurance coverage (18)	<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Product liability (24)	<input type="checkbox"/> Other contract (37)	<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Medical malpractice (45)	Real Property	<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
<input type="checkbox"/> Other PI/PD/WD (23)	<input type="checkbox"/> Eminent domain/Inverse condemnation (14)	Enforcement of Judgment
Non-PI/PD/WD (Other) Tort	<input type="checkbox"/> Wrongful eviction (33)	<input type="checkbox"/> Enforcement of judgment (20)
<input type="checkbox"/> Business tort/unfair business practice (07)	<input type="checkbox"/> Other real property (26)	Miscellaneous Civil Complaint
<input checked="" type="checkbox"/> Civil rights (08)	Unlawful Detainer	<input type="checkbox"/> RICO (27)
<input checked="" type="checkbox"/> Defamation (13)	<input type="checkbox"/> Commercial (31)	<input type="checkbox"/> Other complaint (not specified above) (42)
<input checked="" type="checkbox"/> Fraud (16)	<input type="checkbox"/> Residential (32)	Miscellaneous Civil Petition
<input type="checkbox"/> Intellectual property (19)	<input type="checkbox"/> Drugs (38)	<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Professional negligence (25)	Judicial Review	<input type="checkbox"/> Other petition (not specified above) (43)
<input type="checkbox"/> Other non-PI/PD/WD tort (35)	<input type="checkbox"/> Asset forfeiture (05)	
Employment	<input type="checkbox"/> Petition re: arbitration award (11)	
<input type="checkbox"/> Wrongful termination (36)	<input type="checkbox"/> Writ of mandate (02)	
<input type="checkbox"/> Other employment (15)	<input type="checkbox"/> Other judicial review (39)	

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c. Substantial amount of documentary evidence
- d. Large number of witnesses
- e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): 3 Civil rights, Defamation, Fraud

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 09/22/11

THOMAS NGUYEN
(TYPE OR PRINT NAME)Thomas Nguyen
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Officer Moran (#5700)

SUM-100

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT: SAN DIEGO POLICE DEPT.
(AVISO AL DEMANDADO):

Officers McFalls (#4473), Lopez (#6654)
Vazquez (#6562), Moran (#5700) and Alvaris (#0498)

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

THOMAS NGUYEN

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED D
Clerk of the Superior Court

SEP 22 2011

BY: R. Townsend

DEPUTY
RECEIVER
OCT

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The name and address of the court is:
(El nombre y dirección de la corte es):

Hall of Justice
330 W. Broadway, San Diego, CA 92101

CASE NUMBER:
(Número del Caso):
37-2011-00098219-CU-PO-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Thomas Nguyen 7807 Jade Coast Rd, San Diego, CA 92126

DATE:
(Fecha) SEP 22 2011

Clerk, by
(Secretario)

R. Townsend

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
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under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)

4. by personal delivery on (date):

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Thomas Nguyen 7807 Jade Coast Rd, San Diego, CA 92126 TELEPHONE NO.: 858-408-5206 FAX NO.: ATTORNEY FOR (Name): Thomas Nguyen		ALL USES FOR COURT USE ONLY CENTRAL DIVISION 2011 SEP 22 P 3:06 SUPERIOR COURT SAN DIEGO COUNTY, CA
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081-6643 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941 <input type="checkbox"/> RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649		CASE NUMBER: 37-2011-00098219-CU-PO-CTL
CASE NAME: Thomas Nguyen vs. San Diego Police Dept.		JUDGE: DEPT:
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
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Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

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a. Large number of separately represented parties d. Large number of witnesses
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Date: 09/02/11
 THOMAS NGUYEN
 (TYPE OR PRINT NAME)

Thomas Nguyen
 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

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- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <i>Thomas Nguyen</i> <i>7807 Jade Coast Rd, San Diego, CA 92126</i>		FOR COURT USE ONLY CENTRAL DIVISION 2011 SEP 22 P 3:06
TELEPHONE NO.: <i>858-408-5206</i> FAX NO.: <i>Thomas Nguyen</i>		SUPERIOR COURT SAN DIEGO COUNTY, CA
ATTORNEY FOR (Name): <i>Thomas Nguyen</i>		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO		
<input type="checkbox"/> HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081-6643 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941 <input type="checkbox"/> RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649		
CASE NAME: <i>Thomas Nguyen v. San Diego Police Dept.</i>		CASE NUMBER: 37-2011-00098219-CU-PO-CTL
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited <input type="checkbox"/> Limited (Amount demanded exceeds \$25,000) (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
JUDGE: DEPT:		

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:	
Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)	Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)
Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input checked="" type="checkbox"/> Civil rights (08) <input checked="" type="checkbox"/> Defamation (13) <input checked="" type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)	Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)
Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)
Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)	
Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20)	
Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)	
Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)	

2. This case is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- Large number of separately represented parties
- Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- Substantial amount of documentary evidence
- Large number of witnesses
- Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): *3 Civil rights, Defamation, Fraud*

5. This case is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: *09/22/11*
 THOMAS NGUYEN
 (TYPE OR PRINT NAME)

► *Thomas Nguyen*
 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Hector Lopez (#6654)

SUM-100

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT: **SAN DIEGO POLICE DEPT.**
(AVISO AL DEMANDADO):

Officers McFalls (#4473), Lopez (#6654)
Valdez (#6562), Moran (#5700) and Alvarois (#0498)

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

THOMAS NGUYEN

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
Clerk of the Superior Court

SEP 22 2011

BY: R. Townsend
DEPUTY

AFTER

RECEIVED

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** *Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.*

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

Hall of Justice
330 W. Broadway, San Diego, CA 92101

CASE NUMBER:
(Número del Caso):

37-2011-00098219-CU-PO-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Thomas Nguyen 7807 Jade Coast Rd, San Diego, CA 92126

DATE: **SEP 22 2011**

Clerk, by
(Secretario)

R. Townsend

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):

3. on behalf of (specify):

under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):

4. by personal delivery on (date):

U.S. BUSINESS OFFICE 12
CENTRAL DIVISION

201 SEP 22 P 3:07

1. THOMAS NGUYEN
2. 7807 Jade Coast Road
3. San Diego, CA 92126
4. (858) 408-5206

5. SUPERIOR COURT
6. SAN DIEGO COUNTY, CA

7. SUPERIOR COURT OF THE STATE OF CALIFORNIA
8. FOR THE COUNTY OF SAN DIEGO

9. 10. THOMAS NGUYEN, an individual,
11. Plaintiff,

37-2011-00098219-CU-PO-CTL
CASE NO.

12. 13. v.
14. 15. SAN DIEGO POLICE DEPARTMENT;
16. Sgt. Serena Mc. Falls (#4473);
17. Officers Lopez (#6654); Valdez (#6562);
18. Officer Michael Moran (#5700);
19. Officer K. Albans (clinician #0498);
20. Defendants,

21. 22. 23. 24. COMPLAINT FOR:
25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 1. CIVIL RIGHTS
2. DEFAMATION
3. FRAUD

2. CIVIL RIGHTS: San Diego Police arrested me at San Diego Big Balloon Parade on Thursday December 30, 2010 while I was protesting against CIA under the live reporter TV station booth. Officer Lopez and Valdez squeezed my arms in my back and dragged me out of the TV booth. I was handcuffed, stuffed in a patrol car, questioned, evaluated, and then handed over to a mental-health BHC of Scripps Mercy hospital. This act violated badly FIRST AMENDMENT (Freedom of Speech).

2. DEFAMATION: Officer Michael Moran and K. Albans lied to medical staffs of Scripps Mercy that I was a mental ill, "had malnourished appearance", and I yelled at women and children at the parade. So they put me in mental-health jail under Section 5150. This damaged my reputation so much. I had two master degrees in Computer Science and Physics. I might not get any jobs in future because I had been slandered as a mental ill person in Police record. This can cost me a fortune.

3. FRAUD: San Diego Police arrested me under Section 5150 is a fraud: false arrest. To thousands of people at the parade and at the hospital, I was a bad guy who had been

42. arrested by police.
43. .
44. In short, not only I had been suffered during police arrest and two days in mental jail,
45. But I also had been suffered loss of my reputation and loss of earning capacity for the
46. rest of my life.

Date: September 22, 2011

Name: THOMAS NGUYEN

Signature of Plaintiff:

A handwritten signature in black ink that reads "Thomas Nguyen". The signature is cursive and fluid, with "Thomas" on the top line and "Nguyen" on the bottom line.

CM-010

| | | | |
|---|--|---|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
<i>Thomas Nguyen</i>
<i>7807 Jade Coast Rd, San Diego, CA 92126</i> | | TELEPHONE NO.: <i>858-408-5206</i> FAX NO.:
<i>858-408-5206</i> | MAILING FOR COURT USE ONLY
CENTRAL DIVISION
<i>2011 SEP 22 P 3:06</i> |
| ATTORNEY FOR (Name):
<i>Thomas Nguyen</i> | | COURT: SUPERIOR COURT
SAN DIEGO COUNTY, CA | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO | | | |
| <input type="checkbox"/> HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827
<input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081-6543
<input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941
<input type="checkbox"/> RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200
<input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649 | | | |
| CASE NAME:
<i>Thomas Nguyen v. San Diego Police Dept.</i> | | CASE NUMBER:
37-2011-00098219-CU-PO-CTL | |
| CIVIL CASE COVER SHEET | | Complex Case Designation | |
| <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) | | <input type="checkbox"/> Counter <input type="checkbox"/> Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402) | |
| JUDGE:
DEPT: | | | |

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort
 Auto (22)
 Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
 Asbestos (04)
 Product liability (24)
 Medical malpractice (45)
 Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
 Business tort/unfair business practice (07)
 Civil rights (08)
 Defamation (13)
 Fraud (16)
 Intellectual property (19)
 Professional negligence (25)
 Other non-PI/PD/WD tort (35)

Employment
 Wrongful termination (36)
 Other employment (15)

Contract
 Breach of contract/warranty (06)
 Rule 3.740 collections (09)
 Other collections (09)
 Insurance coverage (18)
 Other contract (37)

Real Property
 Eminent domain/Inverse condemnation (14)
 Wrongful eviction (33)
 Other real property (26)

Unlawful Detainer
 Commercial (31)
 Residential (32)
 Drugs (38)

Judicial Review
 Asset forfeiture (05)
 Petition re: arbitration award (11)
 Writ of mandate (02)
 Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
 Antitrust/Trade regulation (03)
 Construction defect (10)
 Mass tort (40)
 Securities litigation (28)
 Environmental/Toxic tort (30)
 Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
 Enforcement of judgment (20)

Miscellaneous Civil Complaint
 RICO (27)
 Other complaint (not specified above) (42)

Miscellaneous Civil Petition
 Partnership and corporate governance (21)
 Other petition (not specified above) (43)

2. This case is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. Large number of separately represented parties d. Large number of witnesses

b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court

c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary, declaratory or injunctive relief c. punitive4. Number of causes of action (specify): *3 Civil rights, Defamation, Fraud*5. This case is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: *09/22/11*
THOMAS NGUYEN
(TYPE OR PRINT NAME)(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY) *Thomas Nguyen*

NOTICE

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- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Officer Valdez (#6562)

SUM-100

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT: SAN DIEGO POLICE DEPT.
(AVISO AL DEMANDADO):

Officers Mc Falls (#4473), Lopez (#6654)
Valdez (#6562), Moran (#5700) and Alvaro (#0498)

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

THOMAS NGUYEN

| | |
|---|--------|
| FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE) | |
| F E L E D
Clerk of the Superior Court | |
| SEP 22 2011 | |
| BY: <u>R. Townsend</u> | DEPUTY |
| RECEIVED | |
| 11 00 AM - 7 | |

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

*Hall of Justice
330 W. Broadway, San Diego, CA 92101*

CASE NUMBER:
(Número del Caso):

37-2011-00098219-CU-PO-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Thomas Nguyen 7807 Jade Coast Rd, San Diego, CA 92126

DATE:
(Fecha) **SEP 22 2011**

Clerk, by
(Secretario)

R. Townsend

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):

3. on behalf of (specify):

under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)

other (specify):

4. by personal delivery on (date):

U.S. POSTAL OFFICE 12
GENERAL DIVISION

2011 SEP 22 P 3:07

1. THOMAS NGUYEN
2. 7807 Jade Coast Road
3. San Diego, CA 92126
4. (858) 408-5206

5.
6.
7.
8. SUPERIOR COURT OF THE STATE OF CALIFORNIA
9. FOR THE COUNTY OF SAN DIEGO

10.
11. THOMAS NGUYEN, an individual,
12. Plaintiff,

37-2011-00098219-CU-PO-CTL
CASE NO.

13.
14. v.
15.
16. SAN DIEGO POLICE DEPARTMENT;
17. Sgt. Serena Mc. Falls (#4473);
18. Officers Lopez (#6654); Valdez (#6562);
19. Officer Michael Moran (#5700);
20. Officer K. Albans (clinician #0498);
21. Defendants,

COMPLAINT FOR:
1. CIVIL RIGHTS
2. DEFAMATION
3. FRAUD

22.
23.
24.
25.
26. 1. CIVIL RIGHTS: San Diego Police arrested me at San Diego Big Balloon Parade on
27. Thursday December 30, 2010 while I was protesting against CIA under the live reporter
28. TV station booth. Officer Lopez and Valdez squeezed my arms in my back and dragged
29. me out of the TV booth. I was handcuffed, stuffed in a patrol car, questioned, evaluated,
30. and then handed over to a mental-health BHC of Scripps Mercy hospital.
31. This act violated badly FIRST AMENDMENT (Freedom of Speech).

32.
33. 2. DEFAMATION: Officer Michael Moran and K. Albans lied to medical staffs of Scripps
34. Mercy that I was a mental ill, "had malnourished appearance", and I yelled at women
35. and children at the parade. So they put me in mental-health jail under Section 5150.
36. This damaged my reputation so much. I had two master degrees in Computer Science
37. and Physics. I might not get any jobs in future because I had been slandered as a mental
38. ill person in Police record. This can cost me a fortune.

39.
40. 3. FRAUD: San Diego Police arrested me under Section 5150 is a fraud: false arrest.
41. To thousands of people at the parade and at the hospital, I was a bad guy who had been

CM-010

| | | |
|--|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
<i>Thomas Nguyen</i>
7807 Jade Coast Rd, San Diego, CA 92126 | | ATTORNEY FOR COURT USE ONLY
GENERAL DIVISION |
| TELEPHONE NO.: <u>858-408-5206</u> FAX NO.:
ATTORNEY FOR (Name): <u>Thomas Nguyen</u> | | 2011 SEP 22 P 3:06 |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
<input type="checkbox"/> HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827
<input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081-6643
<input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941
<input type="checkbox"/> RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200
<input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649 | | COURT - SUPERIOR COURT
SAN DIEGO COUNTY, CA |
| CASE NAME: <u>Thomas Nguyen vs. San Diego Police Dept.</u> | | |
| CIVIL CASE COVER SHEET | | Complex Case Designation |
| <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) | | <input type="checkbox"/> Counter <input type="checkbox"/> Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402) |
| CASE NUMBER:
<u>37-2011-00098219-CU-PO-CTL</u> | | |
| JUDGE:
DEPT: | | |

Items 1-6 below must be completed (see instructions on page 2).

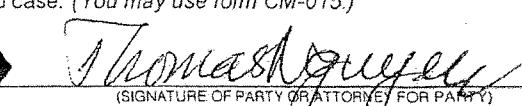
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|--|--|------------------------------------|---|--|--|--|---|--|---|---|--|--|---|---|--|--|---|---------------|--|--|---|---------------------------|---|--|---|---|-------------------|---|--|--|---|---|-------------------------------------|---|-----------------|---|--|------------|--|--|---|--|---|
| 1. Check one box below for the case type that best describes this case: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="0"> <tr> <td>Auto Tort</td> <td>Contract</td> <td>Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)</td> </tr> <tr> <td><input type="checkbox"/> Auto (22)</td> <td><input type="checkbox"/> Breach of contract/warranty (06)</td> <td><input type="checkbox"/> Antitrust/Trade regulation (03)</td> </tr> <tr> <td><input type="checkbox"/> Uninsured motorist (46)</td> <td><input type="checkbox"/> Rule 3.740 collections (09)</td> <td><input type="checkbox"/> Construction defect (10)</td> </tr> <tr> <td>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</td> <td><input type="checkbox"/> Other collections (09)</td> <td><input type="checkbox"/> Mass tort (40)</td> </tr> <tr> <td><input type="checkbox"/> Asbestos (04)</td> <td><input type="checkbox"/> Insurance coverage (18)</td> <td><input type="checkbox"/> Securities litigation (28)</td> </tr> <tr> <td><input type="checkbox"/> Product liability (24)</td> <td><input type="checkbox"/> Other contract (37)</td> <td><input type="checkbox"/> Environmental/Toxic tort (30)</td> </tr> <tr> <td><input type="checkbox"/> Medical malpractice (45)</td> <td>Real Property</td> <td><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)</td> </tr> <tr> <td><input type="checkbox"/> Other PI/PD/WD (23)</td> <td><input type="checkbox"/> Eminent domain/Inverse condemnation (14)</td> </tr> <tr> <td>Non-PI/PD/WD (Other) Tort</td> <td><input type="checkbox"/> Wrongful eviction (33)</td> </tr> <tr> <td><input type="checkbox"/> Business tort/unfair business practice (07)</td> <td><input type="checkbox"/> Other real property (26)</td> </tr> <tr> <td><input checked="" type="checkbox"/> Civil rights (08)</td> <td>Unlawful Detainer</td> </tr> <tr> <td><input checked="" type="checkbox"/> Defamation (13)</td> <td><input type="checkbox"/> Commercial (31)</td> </tr> <tr> <td><input checked="" type="checkbox"/> Fraud (16)</td> <td><input type="checkbox"/> Residential (32)</td> </tr> <tr> <td><input type="checkbox"/> Intellectual property (19)</td> <td><input type="checkbox"/> Drugs (38)</td> </tr> <tr> <td><input type="checkbox"/> Professional negligence (25)</td> <td>Judicial Review</td> </tr> <tr> <td><input type="checkbox"/> Other non-PI/PD/WD tort (35)</td> <td><input type="checkbox"/> Asset forfeiture (05)</td> </tr> <tr> <td>Employment</td> <td><input type="checkbox"/> Petition re: arbitration award (11)</td> </tr> <tr> <td><input type="checkbox"/> Wrongful termination (36)</td> <td><input type="checkbox"/> Writ of mandate (02)</td> </tr> <tr> <td><input type="checkbox"/> Other employment (15)</td> <td><input type="checkbox"/> Other judicial review (39)</td> </tr> </table> | Auto Tort | Contract | Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403) | <input type="checkbox"/> Auto (22) | <input type="checkbox"/> Breach of contract/warranty (06) | <input type="checkbox"/> Antitrust/Trade regulation (03) | <input type="checkbox"/> Uninsured motorist (46) | <input type="checkbox"/> Rule 3.740 collections (09) | <input type="checkbox"/> Construction defect (10) | Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort | <input type="checkbox"/> Other collections (09) | <input type="checkbox"/> Mass tort (40) | <input type="checkbox"/> Asbestos (04) | <input type="checkbox"/> Insurance coverage (18) | <input type="checkbox"/> Securities litigation (28) | <input type="checkbox"/> Product liability (24) | <input type="checkbox"/> Other contract (37) | <input type="checkbox"/> Environmental/Toxic tort (30) | <input type="checkbox"/> Medical malpractice (45) | Real Property | <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) | <input type="checkbox"/> Other PI/PD/WD (23) | <input type="checkbox"/> Eminent domain/Inverse condemnation (14) | Non-PI/PD/WD (Other) Tort | <input type="checkbox"/> Wrongful eviction (33) | <input type="checkbox"/> Business tort/unfair business practice (07) | <input type="checkbox"/> Other real property (26) | <input checked="" type="checkbox"/> Civil rights (08) | Unlawful Detainer | <input checked="" type="checkbox"/> Defamation (13) | <input type="checkbox"/> Commercial (31) | <input checked="" type="checkbox"/> Fraud (16) | <input type="checkbox"/> Residential (32) | <input type="checkbox"/> Intellectual property (19) | <input type="checkbox"/> Drugs (38) | <input type="checkbox"/> Professional negligence (25) | Judicial Review | <input type="checkbox"/> Other non-PI/PD/WD tort (35) | <input type="checkbox"/> Asset forfeiture (05) | Employment | <input type="checkbox"/> Petition re: arbitration award (11) | <input type="checkbox"/> Wrongful termination (36) | <input type="checkbox"/> Writ of mandate (02) | <input type="checkbox"/> Other employment (15) | <input type="checkbox"/> Other judicial review (39) |
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| <input type="checkbox"/> Business tort/unfair business practice (07) | <input type="checkbox"/> Other real property (26) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Civil rights (08) | Unlawful Detainer | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Defamation (13) | <input type="checkbox"/> Commercial (31) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Fraud (16) | <input type="checkbox"/> Residential (32) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Intellectual property (19) | <input type="checkbox"/> Drugs (38) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Professional negligence (25) | Judicial Review | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Other non-PI/PD/WD tort (35) | <input type="checkbox"/> Asset forfeiture (05) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Employment | <input type="checkbox"/> Petition re: arbitration award (11) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Wrongful termination (36) | <input type="checkbox"/> Writ of mandate (02) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Other employment (15) | <input type="checkbox"/> Other judicial review (39) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

2. This case is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties d. Large number of witnesses
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive4. Number of causes of action (specify): 3 Civil rights, Defamation, Fraud5. This case is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 09/22/11THOMAS NGUYEN
(TYPE OR PRINT NAME)(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY) 

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

San Diego Police Rep

| | | |
|--|--|--|
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO | | FOR COURT USE ONLY |
| STREET ADDRESS: 330 West Broadway | | |
| MAILING ADDRESS: 330 West Broadway | | |
| CITY, STATE, & ZIP CODE: San Diego, CA 92101-3827 | | |
| BRANCH NAME: Central | | |
| PLAINTIFF(S): Thomas Nguyen | | |
| DEFENDANT(S): San Diego Police Department et.al. | | |
| SHORT TITLE: NGUYEN VS. SAN DIEGO POLICE DEPARTMENT | | |
| STIPULATION TO USE ALTERNATIVE
DISPUTE RESOLUTION (ADR) | | CASE NUMBER:
37-2011-00098219-CU-PO-CTL |

Judge: Randa Trapp

Department: C-70

The parties and their attorneys stipulate that the matter is at issue in the alternative dispute resolution (ADR) process. Selection of any c

| | |
|---|------------------------------|
| <input type="checkbox"/> Mediation (court-connected) | <input type="checkbox"/> No |
| <input type="checkbox"/> Mediation (private) | <input type="checkbox"/> Bir |
| <input type="checkbox"/> Voluntary settlement conference (private) | <input type="checkbox"/> Noi |
| <input type="checkbox"/> Neutral evaluation (private) | <input type="checkbox"/> Nor |
| <input type="checkbox"/> Other (specify e.g., private mini-trial, private judge, etc.): | |

I don't need any of the

It is also stipulated that the following shall serve as arbitrator, mediator or c

Alternate neutral (for court Civil Mediation Program and arbitration only):

Date: 09/26/11

THOMAS NGUYEN

Name of Plaintiff

Thomas Nguyen

Name of Plaintiff's Attorney

Name of Defendant's Attorney

Signature

Signature

If there are more parties and/or attorneys, please attach additional completed and fully executed sheets.

It is the duty of the parties to notify the court of any settlement pursuant to Cal. Rules of Court, rule 3.1385. Upon notification of the settlement, the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court.

IT IS SO ORDERED.

Dated: 09/22/2011

JUDGE OF THE SUPERIOR COURT

SDSC CIV-359 (Rev 12-10)

STIPULATION TO USE OF ALTERNATIVE DISPUTE RESOLUTION

Page: 1

RECEIVED
27 SEP 1
SAN DIEGO
COURT
CLERK'S OFFICE
BY

following
lines.

Don,
This package was
served on IA as is.
They served just the
docs the court gave
him, not the
complaint. I'm
not sure what you
want to do about this.
Assign to someone else
to manage?

Other ADR Processes: There are several other types of ADR which are not offered through the court but which may be obtained privately, including neutral evaluation, conciliation, fact finding, mini-trials, and summary jury trials. Sometimes parties will try a combination of ADR processes. The important thing is to try to find the type or types of ADR that are most likely to resolve your dispute. Be sure to learn about the rules of any ADR program and the qualifications of any neutral you are considering, and about their fees.

Local ADR Programs for Civil Cases

Mediation: The San Diego Superior Court maintains a Civil Mediation Panel of approved mediators who have met certain minimum qualifications and have agreed to charge \$150 per hour for each of the first two (2) hours of mediation and their regular hourly rate thereafter in court-referred mediations.

On-line mediator search and selection: Go to the court's ADR webpage at www.sdcourt.ca.gov/adr and click on the "Mediator Search" to review individual mediator profiles containing detailed information about each mediator including their dispute resolution training, relevant experience, ADR specialty, education and employment history, mediation style, and fees and to submit an on-line Mediator Selection Form (SDSC form #CIV-005). The Civil Mediation Panel List, the Available Mediator List, individual Mediator Profiles, and Mediator Selection Form (CIV-005) can also be printed from the court's ADR webpage and are available at the Mediation Program Office or Civil Business Office at each court location.

Settlement Conference: The judge may order your case to a mandatory settlement conference, or voluntary settlement conferences may be requested from the court if the parties certify that: (1) settlement negotiations between the parties have been pursued, demands and offers have been tendered in good faith, and resolution has failed; (2) a judicially supervised settlement conference presents a substantial opportunity for settlement; and (3) the case has developed to a point where all parties are legally and factually prepared to present the issues for settlement consideration and further discovery for settlement purposes is not required. Refer to SDSC Local Rule 2.2.1 for more information. To schedule a settlement conference, contact the department to which your case is assigned.

Arbitration: The San Diego Superior Court maintains a panel of approved judicial arbitrators who have practiced law for a minimum of five years and who have a certain amount of trial and/or arbitration experience. Refer to SDSC Local Rules Division II, Chapter III and Code Civ. Proc. § 1141.10 et seq or contact the Arbitration Program Office at (619) 450-7300 for more information.

More information about court-connected ADR: Visit the court's ADR webpage at www.sdcourt.ca.gov/adr or contact the court's Mediation/Arbitration Office at (619) 450-7300.

Dispute Resolution Programs Act (DRPA) funded ADR Programs: The following community dispute resolution programs are funded under DRPA (Bus. and Prof. Code §§ 465 et seq.):

- In Central, East, and South San Diego County, contact the National Conflict Resolution Center (NCRC) at www.ncrconline.com or (619) 238-2400.
- In North San Diego County, contact North County Lifeline, Inc. at www.nclifeline.org or (760) 726-4900.

Private ADR: To find a private ADR program or neutral, search the Internet, your local telephone or business directory, or legal newspaper for dispute resolution, mediation, settlement, or arbitration services.

Legal Representation and Advice

To participate effectively in ADR, it is generally important to understand your legal rights and responsibilities and the likely outcomes if you went to trial. ADR neutrals are not allowed to represent or to give legal advice to the participants in the ADR process. If you do not already have an attorney, the California State Bar or your local County Bar Association can assist you in finding an attorney. Information about obtaining free and low cost legal assistance is also available on the California courts website at www.courtinfo.ca.gov/selfhelp/lowcost.



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION

CASE NUMBER: 37-2011-00098219-CU-PO-CTL

CASE TITLE: Nguyen vs. San Diego Police Department

NOTICE: All plaintiffs/cross-complainants in a general civil case are required to serve a copy of the following three forms on each defendant/cross-defendant, together with the complaint/cross-complaint:

- (1) this Alternative Dispute Resolution (ADR) Information form (SDSC form #CIV-730),
- (2) the Stipulation to Use Alternative Dispute Resolution (ADR) form (SDSC form #CIV-359), *and*
- (3) the Notice of Case Assignment form (SDSC form #CIV-721).

Most civil disputes are resolved without filing a lawsuit, and most civil lawsuits are resolved without a trial. The courts, community organizations, and private providers offer a variety of Alternative Dispute Resolution (ADR) processes to help people resolve disputes without a trial. The San Diego Superior Court expects that litigants will utilize some form of ADR as a mechanism for case settlement before trial, and it may be beneficial to do this early in the case.

Below is some information about the potential advantages and disadvantages of ADR, the most common types of ADR, and how to find a local ADR program or neutral. A form for agreeing to use ADR is attached (SDSC form #CIV-359).

Potential Advantages and Disadvantages of ADR

ADR may have a variety of advantages or disadvantages over a trial, depending on the type of ADR process used and the particular case:

Potential Advantages

- Saves time
- Saves money
- Gives parties more control over the dispute resolution process and outcome
- Preserves or improves relationships

Potential Disadvantages

- May take more time and money if ADR does not resolve the dispute
- Procedures to learn about the other side's case (discovery), jury trial, appeal, and other court protections may be limited or unavailable

Most Common Types of ADR

You can read more information about these ADR processes and watch videos that demonstrate them on the court's ADR webpage at <http://www.sdcourt.ca.gov/adr>.

Mediation: A neutral person called a "mediator" helps the parties communicate in an effective and constructive manner so they can try to settle their dispute. The mediator does not decide the outcome, but helps the parties to do so.

Mediation is usually confidential, and may be particularly useful when parties want or need to have an ongoing relationship, such as in disputes between family members, neighbors, co-workers, or business partners, or when parties want to discuss non-legal concerns or creative resolutions that could not be ordered at a trial.

Settlement Conference: A judge or another neutral person called a "settlement officer" helps the parties to understand the strengths and weaknesses of their case and to discuss settlement. The judge or settlement officer does not make a decision in the case but helps the parties to negotiate a settlement. Settlement conferences may be particularly helpful when the parties have very different ideas about the likely outcome of a trial and would like an experienced neutral to help guide them toward a resolution.

Arbitration: A neutral person called an "arbitrator" considers arguments and evidence presented by each side and then decides the outcome of the dispute. Arbitration is less formal than a trial, and the rules of evidence are usually relaxed. If the parties agree to binding arbitration, they waive their right to a trial and agree to accept the arbitrator's decision as final. With nonbinding arbitration, any party may reject the arbitrator's decision and request a trial. Arbitration may be appropriate when the parties want another person to decide the outcome of their dispute but would like to avoid the formality, time, and expense of a trial.

| | |
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| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO | |
| STREET ADDRESS: 330 West Broadway | |
| MAILING ADDRESS: 330 West Broadway | |
| CITY AND ZIP CODE: San Diego, CA 92101 | |
| BRANCH NAME: Central | |
| TELEPHONE NUMBER: (619) 450-7070 | |
| PLAINTIFF(S) / PETITIONER(S): Thomas Nguyen | |
| DEFENDANT(S) / RESPONDENT(S): San Diego Police Department et.al. | |
| NGUYEN VS. SAN DIEGO POLICE DEPARTMENT | |
| NOTICE OF CASE ASSIGNMENT | CASE NUMBER:
37-2011-00098219-CU-PO-CTL |

Judge: Randa Trapp

Department: C-70

COMPLAINT/PETITION FILED: 09/22/2011

**ALL CASES MUST COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW,
EXCEPT FOR PARKING TICKETS APPEALS AND CASES ASSIGNED TO THE PROBATE DIVISION.**

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT), THE ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION FORM (SDSC FORM #CIV-730), A STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (ADR) (SDSC FORM #CIV-359), AND OTHER DOCUMENTS AS SET OUT IN SDSC LOCAL RULE 2.1.5.

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil cases consist of all civil cases except: small claims proceedings, civil petitions, unlawful detainer proceedings, probate, guardianship, conservatorship, juvenile, and family law proceedings.

COMPLAINTS: Complaints and all other documents listed in SDSC Local Rule 2.1.5 must be served on all named defendants, and a Certificate of Service (SDSC form #CIV-345) filed within 60 days of filing.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than 15 day extension which must be in writing and filed with the Court.) (SDSC Local Rule 2.1.6)

DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service. (SDSC Local Rule 2.1.7)

CASE MANAGEMENT CONFERENCE: A Case Management Conference will be set within 150 days of filing the complaint.

ALTERNATIVE DISPUTE RESOLUTION (ADR): THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO TRIAL, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. PARTIES MAY FILE THE ATTACHED STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (SDSC FORM #CIV-359).

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION. IF THE CASE IS ORDERED TO ARBITRATION PURSUANT TO CODE CIV. PROC. 1411.11, THE COSTS OF ARBITRATION WILL BE PAID BY THE COURT PURSUANT TO CODE CIV. PROC. 1141.28.

FOR MORE INFORMATION, SEE THE ATTACHED ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION FORM (SDSC FORM #CIV-730)

Officer Lopez (# 6657)

| | | |
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| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO | | FOR COURT USE ONLY |
| STREET ADDRESS: 330 West Broadway | | |
| MAILING ADDRESS: 330 West Broadway | | |
| CITY, STATE, & ZIP CODE: San Diego, CA 92101-3827 | | |
| BRANCH NAME: Central | | |
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| DEFENDANT(S): San Diego Police Department et.al. | | |
| SHORT TITLE: NGUYEN VS. SAN DIEGO POLICE DEPARTMENT | | |
| STIPULATION TO USE ALTERNATIVE
DISPUTE RESOLUTION (ADR) | | CASE NUMBER:
37-2011-00098219-CU-PO-CTL |

Judge: Randa Trapp

Department: C-70

The parties and their attorneys stipulate that the matter is at issue and the claims in this action shall be submitted to the following alternative dispute resolution (ADR) process. Selection of any of these options will not delay any case management timelines.

| | |
|--|--|
| <input type="checkbox"/> Mediation (court-connected) | <input type="checkbox"/> Non-binding private arbitration |
| <input type="checkbox"/> Mediation (private) | <input type="checkbox"/> Binding private arbitration |
| <input type="checkbox"/> Voluntary settlement conference (private) | <input type="checkbox"/> Non-binding judicial arbitration (discovery until 15 days before trial) |
| <input type="checkbox"/> Neutral evaluation (private) | <input type="checkbox"/> Non-binding judicial arbitration (discovery until 30 days before trial) |
| <input type="checkbox"/> Other (specify e.g., private mini-trial, private judge, etc.): <u>I don't need any of above services.</u> | |

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral: (Name) _____

Alternate neutral (for court Civil Mediation Program and arbitration only): _____

Date: 09/26/11

Date: _____

Name of Plaintiff

Thomas Nguyen
Signature

Name of Defendant

11 OCT -2 PM 2:59
RECEIVED
INTERNAL AFFAIRS

Name of Plaintiff's Attorney

Name of Defendant's Attorney

Signature

Signature

If there are more parties and/or attorneys, please attach additional completed and fully executed sheets.

It is the duty of the parties to notify the court of any settlement pursuant to Cal. Rules of Court, rule 3.1385. Upon notification of the settlement, the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court.

IT IS SO ORDERED.

Dated: 09/22/2011

JUDGE OF THE SUPERIOR COURT

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More information about court-connected ADR: Visit the court's ADR webpage at www.sdcourt.ca.gov/adr or contact the court's Mediation/Arbitration Office at (619) 450-7300.

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Private ADR: To find a private ADR program or neutral, search the Internet, your local telephone or business directory, or legal newspaper for dispute resolution, mediation, settlement, or arbitration services.

Legal Representation and Advice

To participate effectively in ADR, it is generally important to understand your legal rights and responsibilities and the likely outcomes if you went to trial. ADR neutrals are not allowed to represent or to give legal advice to the participants in the ADR process. If you do not already have an attorney, the California State Bar or your local County Bar Association can assist you in finding an attorney. Information about obtaining free and low cost legal assistance is also available on the California courts website at www.courtinfo.ca.gov/selfhelp/lowcost.

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| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
STREET ADDRESS: 330 West Broadway
MAILING ADDRESS: 330 West Broadway
CITY AND ZIP CODE: San Diego, CA 92101
BRANCH NAME: Central
TELEPHONE NUMBER: (619) 450-7070 | |
| PLAINTIFF(S) / PETITIONER(S): Thomas Nguyen | |
| DEFENDANT(S) / RESPONDENT(S): San Diego Police Department et.al. | |
| NGUYEN VS. SAN DIEGO POLICE DEPARTMENT | |
| NOTICE OF CASE ASSIGNMENT | CASE NUMBER:
37-2011-00098219-CU-PO-CTL |

Judge: Randa Trapp

Department: C-70

COMPLAINT/PETITION FILED: 09/22/2011

**ALL CASES MUST COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW,
EXCEPT FOR PARKING TICKETS APPEALS AND CASES ASSIGNED TO THE PROBATE DIVISION.**

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT), THE ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION FORM (SDSC FORM #CIV-730), A STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (ADR) (SDSC FORM #CIV-359), AND OTHER DOCUMENTS AS SET OUT IN SDSC LOCAL RULE 2.1.5.

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil cases consist of all civil cases except: small claims proceedings, civil petitions, unlawful detainer proceedings, probate, guardianship, conservatorship, juvenile, and family law proceedings.

COMPLAINTS: Complaints and all other documents listed in SDSC Local Rule 2.1.5 must be served on all named defendants, and a Certificate of Service (SDSC form #CIV-345) filed within 60 days of filing.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than 15 day extension which must be in writing and filed with the Court.) (SDSC Local Rule 2.1.6)

DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service. (SDSC Local Rule 2.1.7)

CASE MANAGEMENT CONFERENCE: A Case Management Conference will be set within 150 days of filing the complaint.

ALTERNATIVE DISPUTE RESOLUTION (ADR): THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO TRIAL, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. PARTIES MAY FILE THE ATTACHED STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (SDSC FORM #CIV-359).

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION. IF THE CASE IS ORDERED TO ARBITRATION PURSUANT TO CODE CIV. PROC. 1411.11, THE COSTS OF ARBITRATION WILL BE PAID BY THE COURT PURSUANT TO CODE CIV. PROC. 1141.28.

FOR MORE INFORMATION, SEE THE ATTACHED ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION FORM (SDSC FORM #CIV-730)



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION

CASE NUMBER: 37-2011-00098219-CU-PO-CTL

CASE TITLE: Nguyen vs. San Diego Police Department

NOTICE: All plaintiffs/cross-complainants in a general civil case are required to serve a copy of the following three forms on each defendant/cross-defendant, together with the complaint/cross-complaint:

- (1) this Alternative Dispute Resolution (ADR) Information form (SDSC form #CIV-730),
- (2) the Stipulation to Use Alternative Dispute Resolution (ADR) form (SDSC form #CIV-359), **and**
- (3) the Notice of Case Assignment form (SDSC form #CIV-721).

Most civil disputes are resolved without filing a lawsuit, and most civil lawsuits are resolved without a trial. The courts, community organizations, and private providers offer a variety of Alternative Dispute Resolution (ADR) processes to help people resolve disputes without a trial. The San Diego Superior Court expects that litigants will utilize some form of ADR as a mechanism for case settlement before trial, and it may be beneficial to do this early in the case.

Below is some information about the potential advantages and disadvantages of ADR, the most common types of ADR, and how to find a local ADR program or neutral. A form for agreeing to use ADR is attached (SDSC form #CIV-359).

Potential Advantages and Disadvantages of ADR

ADR may have a variety of advantages or disadvantages over a trial, depending on the type of ADR process used and the particular case:

Potential Advantages

- Saves time
- Saves money
- Gives parties more control over the dispute resolution process and outcome
- Preserves or improves relationships

Potential Disadvantages

- May take more time and money if ADR does not resolve the dispute
- Procedures to learn about the other side's case (discovery), jury trial, appeal, and other court protections may be limited or unavailable

Most Common Types of ADR

You can read more information about these ADR processes and watch videos that demonstrate them on the court's ADR webpage at <http://www.sdcourt.ca.gov/adr>.

Mediation: A neutral person called a "mediator" helps the parties communicate in an effective and constructive manner so they can try to settle their dispute. The mediator does not decide the outcome, but helps the parties to do so.

Mediation is usually confidential, and may be particularly useful when parties want or need to have an ongoing relationship, such as in disputes between family members, neighbors, co-workers, or business partners, or when parties want to discuss non-legal concerns or creative resolutions that could not be ordered at a trial.

Settlement Conference: A judge or another neutral person called a "settlement officer" helps the parties to understand the strengths and weaknesses of their case and to discuss settlement. The judge or settlement officer does not make a decision in the case but helps the parties to negotiate a settlement. Settlement conferences may be particularly helpful when the parties have very different ideas about the likely outcome of a trial and would like an experienced neutral to help guide them toward a resolution.

Arbitration: A neutral person called an "arbitrator" considers arguments and evidence presented by each side and then decides the outcome of the dispute. Arbitration is less formal than a trial, and the rules of evidence are usually relaxed. If the parties agree to binding arbitration, they waive their right to a trial and agree to accept the arbitrator's decision as final. With nonbinding arbitration, any party may reject the arbitrator's decision and request a trial. Arbitration may be appropriate when the parties want another person to decide the outcome of their dispute but would like to avoid the formality, time, and expense of a trial.

OFFICER Mc FALLS (#4473)

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| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO | | FOR COURT USE ONLY |
| STREET ADDRESS: 330 West Broadway | | 
RECEIVED
27 SEP 11 13
SHERIFF
SAN DIEGO COUNTY
CIVIL OFFICE |
| MAILING ADDRESS: 330 West Broadway | | |
| CITY, STATE, & ZIP CODE: San Diego, CA 92101-3827 | | |
| BRANCH NAME: Central | | |
| PLAINTIFF(S): Thomas Nguyen | | CASE NUMBER:
37-2011-00098219-CU-PO-CTL |
| DEFENDANT(S): San Diego Police Department et.al. | | |
| SHORT TITLE: NGUYEN VS. SAN DIEGO POLICE DEPARTMENT | | |
| STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (ADR) | | |

Judge: Randa Trapp

Department: C-70

The parties and their attorneys stipulate that the matter is at issue and the claims in this action shall be submitted to the following alternative dispute resolution (ADR) process. Selection of any of these options will not delay any case management timelines.

| | |
|---|--|
| <input type="checkbox"/> Mediation (court-connected) | <input type="checkbox"/> Non-binding private arbitration |
| <input type="checkbox"/> Mediation (private) | <input type="checkbox"/> Binding private arbitration |
| <input type="checkbox"/> Voluntary settlement conference (private) | <input type="checkbox"/> Non-binding judicial arbitration (discovery until 15 days before trial) |
| <input type="checkbox"/> Neutral evaluation (private) | <input type="checkbox"/> Non-binding judicial arbitration (discovery until 30 days before trial) |
| <input type="checkbox"/> Other (specify e.g., private mini-trial, private judge, etc.): _____ | |

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral: (Name) _____

Alternate neutral (for court Civil Mediation Program and arbitration only): _____

Name of Plaintiff

Date: 09/26/11
THOMAS NGUYEN
Signature

Name of Plaintiff's Attorney

Signature

Name of Defendant

Signature

Name of Defendant's Attorney

RECEIVED
11 OCT -2 PM 3:00
INTERNAL AFFAIRS

Signature

Signature

If there are more parties and/or attorneys, please attach additional completed and fully executed sheets.

It is the duty of the parties to notify the court of any settlement pursuant to Cal. Rules of Court, rule 3.1385. Upon notification of the settlement, the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court.

IT IS SO ORDERED.

Dated: 09/22/2011

JUDGE OF THE SUPERIOR COURT

Other ADR Processes: There are several other types of ADR which are not offered through the court but which may be obtained privately, including neutral evaluation, conciliation, fact finding, mini-trials, and summary jury trials. Sometimes parties will try a combination of ADR processes. The important thing is to try to find the type or types of ADR that are most likely to resolve your dispute. Be sure to learn about the rules of any ADR program and the qualifications of any neutral you are considering, and about their fees.

Local ADR Programs for Civil Cases

Mediation: The San Diego Superior Court maintains a Civil Mediation Panel of approved mediators who have met certain minimum qualifications and have agreed to charge \$150 per hour for each of the first two (2) hours of mediation and their regular hourly rate thereafter in court-referred mediations.

On-line mediator search and selection: Go to the court's ADR webpage at www.sdcourt.ca.gov/adr and click on the "Mediator Search" to review individual mediator profiles containing detailed information about each mediator including their dispute resolution training, relevant experience, ADR specialty, education and employment history, mediation style, and fees and to submit an on-line Mediator Selection Form (SDSC form #CIV-005). The Civil Mediation Panel List, the Available Mediator List, individual Mediator Profiles, and Mediator Selection Form (CIV-005) can also be printed from the court's ADR webpage and are available at the Mediation Program Office or Civil Business Office at each court location.

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| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO | |
| STREET ADDRESS: | 330 West Broadway |
| MAILING ADDRESS: | 330 West Broadway |
| CITY AND ZIP CODE: | San Diego, CA 92101 |
| BRANCH NAME: | Central |
| TELEPHONE NUMBER: | (619) 450-7070 |
| PLAINTIFF(S) / PETITIONER(S): Thomas Nguyen | |
| DEFENDANT(S) / RESPONDENT(S): San Diego Police Department et.al. | |
| NGUYEN VS. SAN DIEGO POLICE DEPARTMENT | |
| NOTICE OF CASE ASSIGNMENT | CASE NUMBER:
37-2011-00098219-CU-PO-CTL |

Judge: Randa Trapp

Department: C-70

COMPLAINT/PETITION FILED: 09/22/2011

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION

CASE NUMBER: 37-2011-00098219-CU-PO-CTL

CASE TITLE: Nguyen vs. San Diego Police Department

NOTICE: All plaintiffs/cross-complainants in a general civil case are required to serve a copy of the following three forms on each defendant/cross-defendant, together with the complaint/cross-complaint:

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- (3) the Notice of Case Assignment form (SDSC form #CIV-721).

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Officer Valdez (# 6562)

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| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO | | FOR COURT USE ONLY |
| STREET ADDRESS: 330 West Broadway | | 
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27 SEP 11 13 48 |
| MAILING ADDRESS: 330 West Broadway | | |
| CITY, STATE, & ZIP CODE: San Diego, CA 92101-3827 | | |
| BRANCH NAME: Central | | |
| PLAINTIFF(S): Thomas Nguyen | | |
| DEFENDANT(S): San Diego Police Department et.al. | | |
| SHORT TITLE: NGUYEN VS. SAN DIEGO POLICE DEPARTMENT | | |
| STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (ADR) | | CASE NUMBER:
37-2011-00098219-CU-PO-CTL |

Judge: Randa Trapp

Department: C-70

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| <input type="checkbox"/> Other (specify e.g., private mini-trial, private judge, etc.): <u>I don't need any of above services.</u> | |

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral: (Name) _____

Alternate neutral (for court Civil Mediation Program and arbitration only): _____

Date: 09/26/11

Date: _____

Name of Plaintiff

Thomas Nguyen
Signature

Name of Plaintiff's Attorney

Signature

Name of Defendant

Signature

If there are more parties and/or attorneys, please attach additional completed and fully executed sheets.

It is the duty of the parties to notify the court of any settlement pursuant to Cal. Rules of Court, rule 3.1385. Upon notification of the settlement, the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court.

IT IS SO ORDERED.

Dated: 09/22/2011

JUDGE OF THE SUPERIOR COURT

RECEIVED
11 OCT -2 PM 3:00
INTERNAL AFFAIRS

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| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
STREET ADDRESS: 330 West Broadway
MAILING ADDRESS: 330 West Broadway
CITY AND ZIP CODE: San Diego, CA 92101
BRANCH NAME: Central
TELEPHONE NUMBER: (619) 450-7070 | |
| PLAINTIFF(S) / PETITIONER(S): Thomas Nguyen | |
| DEFENDANT(S) / RESPONDENT(S): San Diego Police Department et.al. | |
| NGUYEN VS. SAN DIEGO POLICE DEPARTMENT | |
| NOTICE OF CASE ASSIGNMENT | CASE NUMBER:
37-2011-00098219-CU-PO-CTL |

Judge: Randa Trapp

Department: C-70

COMPLAINT/PETITION FILED: 09/22/2011

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DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service. (SDSC Local Rule 2.1.7)

CASE MANAGEMENT CONFERENCE: A Case Management Conference will be set within 150 days of filing the complaint.

ALTERNATIVE DISPUTE RESOLUTION (ADR): THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO TRIAL, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. PARTIES MAY FILE THE ATTACHED STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (SDSC FORM #CIV-359).

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION. IF THE CASE IS ORDERED TO ARBITRATION PURSUANT TO CODE CIV. PROC. 1411.11, THE COSTS OF ARBITRATION WILL BE PAID BY THE COURT PURSUANT TO CODE CIV. PROC. 1141.28.

FOR MORE INFORMATION, SEE THE ATTACHED ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION FORM (SDSC FORM #CIV-730)



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION

CASE NUMBER: 37-2011-00098219-CU-PO-CTL

CASE TITLE: Nguyen vs. San Diego Police Department

NOTICE: All plaintiffs/cross-complainants in a general civil case are required to serve a copy of the following three forms on each defendant/cross-defendant, together with the complaint/cross-complaint:

- (1) this Alternative Dispute Resolution (ADR) Information form (SDSC form #CIV-730),
- (2) the Stipulation to Use Alternative Dispute Resolution (ADR) form (SDSC form #CIV-359), and
- (3) the Notice of Case Assignment form (SDSC form #CIV-721).

Most civil disputes are resolved without filing a lawsuit, and most civil lawsuits are resolved without a trial. The courts, community organizations, and private providers offer a variety of Alternative Dispute Resolution (ADR) processes to help people resolve disputes without a trial. The San Diego Superior Court expects that litigants will utilize some form of ADR as a mechanism for case settlement before trial, and it may be beneficial to do this early in the case.

Below is some information about the potential advantages and disadvantages of ADR, the most common types of ADR, and how to find a local ADR program or neutral. A form for agreeing to use ADR is attached (SDSC form #CIV-359).

Potential Advantages and Disadvantages of ADR

ADR may have a variety of advantages or disadvantages over a trial, depending on the type of ADR process used and the particular case:

Potential Advantages

- Saves time
- Saves money
- Gives parties more control over the dispute resolution process and outcome
- Preserves or improves relationships

Potential Disadvantages

- May take more time and money if ADR does not resolve the dispute
- Procedures to learn about the other side's case (discovery), jury trial, appeal, and other court protections may be limited or unavailable

Most Common Types of ADR

You can read more information about these ADR processes and watch videos that demonstrate them on the court's ADR webpage at <http://www.sdcourt.ca.gov/adr>.

Mediation: A neutral person called a "mediator" helps the parties communicate in an effective and constructive manner so they can try to settle their dispute. The mediator does not decide the outcome, but helps the parties to do so. Mediation is usually confidential, and may be particularly useful when parties want or need to have an ongoing relationship, such as in disputes between family members, neighbors, co-workers, or business partners, or when parties want to discuss non-legal concerns or creative resolutions that could not be ordered at a trial.

Settlement Conference: A judge or another neutral person called a "settlement officer" helps the parties to understand the strengths and weaknesses of their case and to discuss settlement. The judge or settlement officer does not make a decision in the case but helps the parties to negotiate a settlement. Settlement conferences may be particularly helpful when the parties have very different ideas about the likely outcome of a trial and would like an experienced neutral to help guide them toward a resolution.

Arbitration: A neutral person called an "arbitrator" considers arguments and evidence presented by each side and then decides the outcome of the dispute. Arbitration is less formal than a trial, and the rules of evidence are usually relaxed. If the parties agree to binding arbitration, they waive their right to a trial and agree to accept the arbitrator's decision as final. With nonbinding arbitration, any party may reject the arbitrator's decision and request a trial. Arbitration may be appropriate when the parties want another person to decide the outcome of their dispute but would like to avoid the formality, time, and expense of a trial.

Officer Moran (#5700)

| | | |
|---|--|--|
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO | | FOR COURT USE ONLY |
| STREET ADDRESS: 330 West Broadway | | |
| MAILING ADDRESS: 330 West Broadway | | |
| CITY, STATE, & ZIP CODE: San Diego, CA 92101-3827 | | |
| BRANCH NAME: Central | | |
| PLAINTIFF(S): Thomas Nguyen | | |
| DEFENDANT(S): San Diego Police Department et.al. | | |
| SHORT TITLE: NGUYEN VS. SAN DIEGO POLICE DEPARTMENT | | |
| STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (ADR) | | CASE NUMBER: 37-2011-0009829-CU-PO-CTL |

Judge: Randa Trapp

Department: C-70

The parties and their attorneys stipulate that the matter is at issue and the claims in this action shall be submitted to the following alternative dispute resolution (ADR) process. Selection of any of these options will not delay any case management timelines.

| | |
|--|--|
| <input type="checkbox"/> Mediation (court-connected) | <input type="checkbox"/> Non-binding private arbitration |
| <input type="checkbox"/> Mediation (private) | <input type="checkbox"/> Binding private arbitration |
| <input type="checkbox"/> Voluntary settlement conference (private) | <input type="checkbox"/> Non-binding judicial arbitration (discovery until 15 days before trial) |
| <input type="checkbox"/> Neutral evaluation (private) | <input type="checkbox"/> Non-binding judicial arbitration (discovery until 30 days before trial) |
| <input type="checkbox"/> Other (specify e.g., private mini-trial, private judge, etc.): <u>I don't need any of above services.</u> | |

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral: (Name) _____

Alternate neutral (for court Civil Mediation Program and arbitration only): _____

Date: 09/26/11

Date: _____

Name of Plaintiff

Name of Defendant

Signature

Signature

Name of Plaintiff's Attorney

Name of Defendant's Attorney

Signature

Signature

If there are more parties and/or attorneys, please attach additional completed and fully executed sheets.

It is the duty of the parties to notify the court of any settlement pursuant to Cal. Rules of Court, rule 3.1385. Upon notification of the settlement, the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court.

IT IS SO ORDERED.

Dated: 09/22/2011

JUDGE OF THE SUPERIOR COURT

Other ADR Processes: There are several other types of ADR which are not offered through the court but which may be obtained privately, including neutral evaluation, conciliation, fact finding, mini-trials, and summary jury trials. Sometimes parties will try a combination of ADR processes. The important thing is to try to find the type or types of ADR that are most likely to resolve your dispute. Be sure to learn about the rules of any ADR program and the qualifications of any neutral you are considering, and about their fees.

Local ADR Programs for Civil Cases

Mediation: The San Diego Superior Court maintains a Civil Mediation Panel of approved mediators who have met certain minimum qualifications and have agreed to charge \$150 per hour for each of the first two (2) hours of mediation and their regular hourly rate thereafter in court-referred mediations.

On-line mediator search and selection: Go to the court's ADR webpage at www.sdcourt.ca.gov/adr and click on the "Mediator Search" to review individual mediator profiles containing detailed information about each mediator including their dispute resolution training, relevant experience, ADR specialty, education and employment history, mediation style, and fees and to submit an on-line Mediator Selection Form (SDSC form #CIV-005). The Civil Mediation Panel List, the Available Mediator List, individual Mediator Profiles, and Mediator Selection Form (CIV-005) can also be printed from the court's ADR webpage and are available at the Mediation Program Office or Civil Business Office at each court location.

Settlement Conference: The judge may order your case to a mandatory settlement conference; or voluntary settlement conferences may be requested from the court if the parties certify that: (1) settlement negotiations between the parties have been pursued, demands and offers have been tendered in good faith, and resolution has failed; (2) a judicially supervised settlement conference presents a substantial opportunity for settlement; and (3) the case has developed to a point where all parties are legally and factually prepared to present the issues for settlement consideration and further discovery for settlement purposes is not required. Refer to SDSC Local Rule 2.2.1 for more information. To schedule a settlement conference, contact the department to which your case is assigned.

Arbitration: The San Diego Superior Court maintains a panel of approved judicial arbitrators who have practiced law for a minimum of five years and who have a certain amount of trial and/or arbitration experience. Refer to SDSC Local Rules Division II, Chapter III and Code Civ. Proc. § 1141.10 *et seq.* or contact the Arbitration Program Office at (619) 450-7300 for more information.

More information about court-connected ADR: Visit the court's ADR webpage at www.sdcourt.ca.gov/adr or contact the court's Mediation/Arbitration Office at (619) 450-7300.

Dispute Resolution Programs Act (DRPA) funded ADR Programs: The following community dispute resolution programs are funded under DRPA (Bus. and Prof. Code §§ 465 *et seq.*):

- In Central, East, and South San Diego County, contact the National Conflict Resolution Center (NCRC) at www.ncrconline.com or (619) 238-2400.
- In North San Diego County, contact North County Lifeline, Inc. at www.nclifeline.org or (760) 726-4900.

Private ADR: To find a private ADR program or neutral, search the Internet, your local telephone or business directory, or legal newspaper for dispute resolution, mediation, settlement, or arbitration services.

Legal Representation and Advice

To participate effectively in ADR, it is generally important to understand your legal rights and responsibilities and the likely outcomes if you went to trial. ADR neutrals are not allowed to represent or to give legal advice to the participants in the ADR process. If you do not already have an attorney, the California State Bar or your local County Bar Association can assist you in finding an attorney. Information about obtaining free and low cost legal assistance is also available on the California courts website at www.courtinfo.ca.gov/selfhelp/lowcost.

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|---|--|
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
STREET ADDRESS: 330 West Broadway
MAILING ADDRESS: 330 West Broadway
CITY AND ZIP CODE: San Diego, CA 92101
BRANCH NAME: Central
TELEPHONE NUMBER: (619) 450-7070 | |
| PLAINTIFF(S) / PETITIONER(S): Thomas Nguyen | |
| DEFENDANT(S) / RESPONDENT(S): San Diego Police Department et.al. | |
| NGUYEN VS. SAN DIEGO POLICE DEPARTMENT | |
| NOTICE OF CASE ASSIGNMENT | CASE NUMBER:
37-2011-00098219-CU-PO-CTL |

Judge: Randa Trapp

Department: C-70

COMPLAINT/PETITION FILED: 09/22/2011

**ALL CASES MUST COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW,
EXCEPT FOR PARKING TICKETS APPEALS AND CASES ASSIGNED TO THE PROBATE DIVISION.**

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT), THE ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION FORM (SDSC FORM #CIV-730), A STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (ADR) (SDSC FORM #CIV-359), AND OTHER DOCUMENTS AS SET OUT IN SDSC LOCAL RULE 2.1.5.

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil cases consist of all civil cases except: small claims proceedings, civil petitions, unlawful detainer proceedings, probate, guardianship, conservatorship, juvenile, and family law proceedings.

COMPLAINTS: Complaints and all other documents listed in SDSC Local Rule 2.1.5 must be served on all named defendants, and a Certificate of Service (SDSC form #CIV-345) filed within 60 days of filing.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than 15 day extension which must be in writing and filed with the Court.) (SDSC Local Rule 2.1.6)

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION

CASE NUMBER: 37-2011-00098219-CU-PO-CTL CASE TITLE: Nguyen vs. San Diego Police Department

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| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO | |
| STREET ADDRESS: 330 West Broadway | |
| MAILING ADDRESS: 330 West Broadway | |
| CITY AND ZIP CODE: San Diego, CA 92101 | |
| BRANCH NAME: Central | |
| TELEPHONE NUMBER: (619) 450-7070 | |
| PLAINTIFF(S) / PETITIONER(S): Thomas Nguyen | |
| DEFENDANT(S) / RESPONDENT(S): San Diego Police Department et.al. | |
| NGUYEN VS. SAN DIEGO POLICE DEPARTMENT | |
| NOTICE OF CASE ASSIGNMENT | CASE NUMBER:
37-2011-00098219-CU-PO-CTL |

Judge: Randa Trapp

Department: C-70

COMPLAINT/PETITION FILED: 09/22/2011

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FOR MORE INFORMATION, SEE THE ATTACHED ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION FORM (SDSC FORM #CIV-730)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

THOMAS NGUYEN

DEFENDANTS

SAN DIEGO POLICE DEPARTMENT, OFFICERS MCFALLS (#4473), LOPEZ, VALDEZ AND MORAN

(b) County of Residence of First Listed Plaintiff San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed San Diego

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Thomas Nguyen
7807 Jade Court Road
San Diego, CA 92126

Attorneys (If Known)

Brian D. Murphy, Deputy City Attorney
Office of the City Attorney
1200 Third Avenue, Suite 1100
San Diego, CA 92101
(619) 533-5800

'11CV2594 WQHNLs
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

| | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

| PTF | DEF | PTF | DEF |
|--|---|----------------------------|---------------------------------------|
| <input type="checkbox"/> 1 Citizen of This State | <input checked="" type="checkbox"/> 1 Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| <input type="checkbox"/> 2 Citizen of Another State | <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> 3 Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|---|--|---|--|---|--|
| <input type="checkbox"/> 110 Insurance | PERSONAL INJURY | PERSONAL INJURY | <input type="checkbox"/> 610 Agriculture | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 400 State Reapportionment |
| <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 362 Personal Injury—Med. Malpractice | <input type="checkbox"/> 620 Other Food & Drug | <input type="checkbox"/> 423 Withdrawal | <input type="checkbox"/> 410 Antitrust |
| <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 365 Personal Injury—Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | 28 USC 157 | <input type="checkbox"/> 430 Banks and Banking |
| <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 630 Liquor Laws | | <input type="checkbox"/> 450 Commerce |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 330 Federal Employers' Liability | <input type="checkbox"/> 370 Other Fraud | <input type="checkbox"/> 640 R.R. & Truck | | <input type="checkbox"/> 460 Deportation |
| <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 371 Truth in Lending | <input type="checkbox"/> 650 Airline Regs. | | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 380 Other Personal Property Damage | <input type="checkbox"/> 660 Occupational Safety/Health | | <input type="checkbox"/> 480 Consumer Credit |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 385 Property Damage | <input type="checkbox"/> 690 Other | | <input type="checkbox"/> 490 Cable/Sat TV |
| <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 355 Motor Vehicle Product Liability | <input type="checkbox"/> 390 Other Personal Injury | | | <input type="checkbox"/> 510 Selective Service |
| <input type="checkbox"/> 190 Other Contract | <input type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 400 Other Civil Rights | | | <input type="checkbox"/> 850 Securities/Commodities/ Exchange |
| <input type="checkbox"/> 195 Contract Product Liability | | | | | <input type="checkbox"/> 875 Customer Challenge |
| <input type="checkbox"/> 196 Franchise | | | | | 12 USC 3410 |
| REAL PROPERTY | CIVIL RIGHTS | PRISONER PETITIONS | HABEAS CORPUS: | SOCIAL SECURITY | |
| <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 510 Motions to Vacate Sentence | <input type="checkbox"/> 710 Fair Labor Standards Act | <input type="checkbox"/> 861 HIA (1395ff) | <input type="checkbox"/> 893 Environmental Matters |
| <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 442 Employment | <input type="checkbox"/> 520 Accommodations | <input type="checkbox"/> 720 Labor/Mgmt. Relations | <input type="checkbox"/> 862 Black Lung (923) | <input type="checkbox"/> 894 Energy Allocation Act |
| <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 443 Housing/ Accommodations | <input type="checkbox"/> 530 General | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act | <input type="checkbox"/> 863 DIWC/DIWW (405(g)) | <input type="checkbox"/> 895 Freedom of Information Act |
| <input type="checkbox"/> 240 Torts to Land | <input type="checkbox"/> 444 Welfare | <input type="checkbox"/> 535 Death Penalty | <input type="checkbox"/> 740 Railway Labor Act | <input type="checkbox"/> 864 SSID Title XVI | <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice |
| <input type="checkbox"/> 245 Tort Product Liability | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment | <input type="checkbox"/> 540 Mandamus & Other | <input type="checkbox"/> 790 Other Labor Litigation | <input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 950 Constitutionality of State Statutes |
| <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 446 Amer. w/Disabilities - Other | <input type="checkbox"/> 550 Civil Rights | <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | | |
| | <input checked="" type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 555 Prison Condition | | | |

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court

Transferred from

4 Reinstated or Reopened 5 another district (specify)

6 Multidistrict Litigation

Appeal to District

7 Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC section 1983

Brief description of cause:

Plaintiff alleges civil rights violations.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION **DEMAND \$** CHECK YES only if demanded in complaint:
UNDER F.R.C.P. 23 **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions:

JUDGE _____

DOCKET NUMBER _____

DATE

November 7, 2011

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFF _____

JUDGE _____

MAG. JUDGE _____